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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,595	08/31/2000	Ruth Marie Tritz	025213-9023-01	4590
23409 7590 12/15/2009 MICHAEL BEST & FRIEDRICH LLP 100 E WISCONSIN AVENUE Suite 3300 MILWAUKEE, WI 53202				
EXAMINER SUBRAMANIAN, NARAYANSWAMY				
ART UNIT		PAPER NUMBER		
3695				
MAIL DATE		DELIVERY MODE		
12/15/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/653,595

Applicant(s)

TRITZ ET AL.

Examiner

Narayanswamy Subramanian

Art Unit

3695

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/18/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 26-32 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 26-32, and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to applicants' communications filed on July 2, 2009 and September 18, 2009. Amendments to claims 1-4, 6-9 and 26-28 have been entered. Rejections made under USC 112, first and second paragraphs and under USC 101 are withdrawn in view of the amendments. Claims 1-9, 26-32 and 40 are pending in the application and have been examined. The rejections and response to arguments are stated below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 26-32 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basch et al (US Patent 6,119,103) in view of Walker et al (US Patent 6,088,686).

Claims 1, and 9, Basch teaches a method and a tangible computer-readable medium storing computer-readable instructions for for evaluating a financial account applicant for a financial institution, the method comprising the acts of: by a computer, electronically accessing credit bureau data for the applicant (See the entire disclosure of Basch especially Abstract, Figures 2, 3A-B, Column 7 lines 15-65, Column 10 lines 19-32); by the computer, electronically accessing account information for the applicant (See the entire disclosure of Basch especially Abstract, Figures 2, 3A-B, Column 7 lines 15-65, Column 10 line 49 – Column 11 line 10, account data from account issuers includes this feature); by the computer, inputting the credit

bureau data and the account information into an algorithm that defines a risk model (See the entire disclosure of Basch especially Abstract, Figures 2, 3A-B, Column 7 lines 15-65, Column 10 line 49 – Column 11 line 10, Account holder level data includes credit bureau data, combination of Predictive model generation module and Pattern generation/scoring module of Basch is interpreted to include the scoring module); by the computer, assigning a scoring variable to at least some data of the credit bureau data and of the account information data and applying a point value to each of the scoring variables to generate a first score (See the entire disclosure of Basch especially Figures 7-9, Column 6 line 64 – Column 7 line 65, Column 11 line 37 – Column 13 line 26, Column 17 line 27 – Column 20 line 42, characteristic variables are interpreted to include scoring variables, account level and account holder level scores implies this feature); by the computer, electronically generating a final score for the applicant from an output of the risk model including applying a scaling equation to the first score to generate the final score for the applicant (See the entire disclosure of Basch especially Figures 7-9, Column 11 line 37 – Column 13 line 26, Column 17 line 27 – Column 20 line 42, characteristic variables are interpreted to include scoring variables, weighting implies applying a scaling equation to the first score). The computerized system of Basch implies a computer-readable medium storing computer-readable instructions for performing the steps listed in the claim.

Basch does not explicitly teach the feature of determining, by the computer, whether to open the financial account based on a final score.

Walker teaches the feature of determining, by the computer, whether to open the financial account based on a final score (See the entire disclosure of Walker especially Column 2 lines 33-40, Column 11 line 65 – Column 12 line 10, Column 16 lines 19-31).

It would have been obvious to one with ordinary skill in the art at the time of the current invention to include these features to the disclosure of Basch. The motivation to combine is that it helps in identifying credit worthy applicants (See Walker Column 1 lines 55-57).

Claims 2, 3, 6, 26, 27 and 30 Walker the features of determining whether to open the financial account includes the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the score to evaluate whether to accept the application and further comprising the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the score to evaluate whether to offer additional products and services of the financial institution to the applicant (See Walker Column 2 lines 1-38). The steps of establishing electronic guidelines and comparing the guidelines against the score are inherent in the disclosure of Walker. Also Walker discloses the act of performing a preliminary financial account information database search (See the entire disclosure of Walker especially Column 2 lines 23-38). In this cited portion Walker discloses "The system and method of the present invention involves the unique processing of a new or existing customer relationship (blocks 18, 20 and 22) into the credit decision request. This feature enables the ability to provide new or existing customers (block 10) with an up-front conditional approval (based on systematic evaluation of credit bureau history, credit score, debt burden, credit policies and the customer's relationship with the financial institution), subject to required verifications". The upfront conditional approval and subject to required verifications implies the act of performing a preliminary financial account information database search.

Claims 4-5 and 28-29, Walker teaches the features electronically accessing demographic data for the applicant, and wherein the act of generating a final score includes the act of, by the

computer, basing the final score on the demographic data (See the entire disclosure of Walker especially Column 12 line 64 - Column 14 line 17); wherein the demographic data includes at least a one of household income, home ownership, and education level (See the entire disclosure of Walker especially Column 13 line 19-64).

Claim 40, Basch discloses the feature wherein the score is a numerical score (Implied in the disclosure of Basch).

4. Claims 7-8 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basch et al (US Patent 6,119,103) in view of Walker et al (US Patent 6,088,686) and further in view of Depass (StarTribune Reference Jan 29, 1998).

Claims 7-8 and 31-32, Basch discloses a method and a tangible computer-readable medium of claims 1 and 9 as discussed above.

Basch does not explicitly disclose the feature of denying the applicant if the preliminary financial account database search establishes that the applicant had a previous financial account closed “for cause”, and denying the applicant if the preliminary financial account database search establishes that the applicant has submitted more than a specified number of financial account applications to financial institutions within a given period of time.

Depass discloses the features of denying the applicant if the preliminary financial account database search establishes that the applicant had a previous financial account closed “for cause”, and denying the applicant if the preliminary financial account database search establishes that the applicant has submitted more than a specified number of financial account applications to financial institutions within a given period of time (See Depass pages 1 and 2). The features of accessing, searching, and automating the process is already disclosed by Basch and Walker.

It would have been obvious to one with ordinary skill in the art at the time of the current invention to include this feature to the disclosure of Basch. The motivation to combine is that banks can make safer decisions because of the sophisticated predictability scoring (See Depass page 2).

Response to Arguments

5. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are listed on the enclosed PTO-892.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles R. Kyle can be reached at (571) 272-6746. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Narayanswamy Subramanian/
Primary Examiner, Art Unit 3695

November 23, 2009